

**393A.120 Indication of apparent owner interest in property.**

- (1) The period after which property shall be presumed abandoned shall be measured from the later of:
  - (a) The date the property is presumed abandoned under this chapter; or
  - (b) The latest indication of interest by the apparent owner in the property.
- (2) Under this chapter, an indication of an apparent owner's interest in property includes:
  - (a) A record communicated by the apparent owner to the holder or agent of the holder concerning the property or the account in which the property is held;
  - (b) An oral communication by the apparent owner to the holder or agent of the holder concerning the property or the account in which the property is held, if the holder or its agent contemporaneously makes and preserves a record of the fact of the apparent owner's communication;
  - (c) Presentment of a check or other instrument of payment of a dividend, interest payment, or other distribution, or evidence of receipt of a distribution made by electronic or similar means, with respect to an account, underlying security, or interest in a business association;
  - (d) Activity directed by an apparent owner in the account in which the property is held, including accessing the account or information concerning the account, or a direction by the apparent owner to increase, decrease, or otherwise change the amount or type of property held in the account;
  - (e) A deposit into or withdrawal from an account at a financial organization, including an automatic deposit or withdrawal previously authorized by the apparent owner other than an automatic reinvestment of dividends or interest;
  - (f) Subject to subsection (5) of this section, payment of a premium on an insurance policy; and
  - (g) Any other action by the apparent owner which reasonably demonstrates to the holder that the apparent owner knows that the property exists.
- (3) An action by an agent or other representative of an apparent owner, other than the holder acting as the apparent owner's agent, shall be presumed to be an action on behalf of the apparent owner.
- (4) A communication with an apparent owner by a person other than the holder or the holder's representative shall not be an indication of interest in the property by the apparent owner unless a record of the communication evidences the apparent owner's knowledge of a right to the property.
- (5) If the insured dies or the insured or beneficiary of an insurance policy otherwise becomes entitled to the proceeds before depletion of the cash surrender value of the policy by operation of an automatic-premium-loan provision or other nonforfeiture provision contained in the policy, the operation shall not prevent the policy from maturing or terminating.

**Effective:** July 14, 2018

**History:** Created 2018 Ky. Acts ch. 163, sec. 12, effective July 14, 2018.